



## MONTGOMERY COUNTY ETHICS COMMISSION

Steven Rosen  
*Chair*

Kenita V. Barrow  
*Vice Chair*

**April 4, 2018**

### **Waiver 18-02-006**

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver. Section 19A-8(b)(3) states that the Ethics Commission may grant a waiver of this prohibition if the Commission concludes that the outside employment will not be likely to create an actual conflict of interest.

Marilou G. Tablang-Jimenez, M.D., is a psychiatrist serving as the Medical Director of the Montgomery County Crisis Center in the Behavioral Health and Crisis Services (BHCS) Division at the Montgomery County Department of Health and Human Services (DHHS). Dr. Tablang-Jimenez seeks approval from the Ethics Commission to engage in outside employment as the Medical Director of the Addiction and Mental Health Center at MedStar Montgomery Medical Center, an entity which has contracts with DHHS ("Medstar," unless otherwise specified). As Dr. Tablang-Jimenez's proposed outside employer contracts with DHHS, the outside employment is barred pursuant to 19A12(b)(1)(B), absent her obtaining a waiver from the Ethics Commission under Section 19A-8(b)(3).

In her role as the Medical Director at the Crisis Center, Dr. Tablang-Jimenez acts as the primary resource for clinicians requiring consultation about a proper course of treatment. Dr. Tablang-Jimenez does not have administrative duties such as hiring and firing, budget development, etc.

As a part-time psychiatrist with the BHCS Crisis Center, Dr. Tablang-Jimenez works with residents of Montgomery County of all ages that come to the Crisis Center in need of immediate assistance with behavioral health issues. Her interaction with Crisis Center clients is typically limited to 1-3 episodes for stabilization and/or medication management. Dr. Tablang-Jimenez provides treatment for mental health issues but does not provide direct treatment for substance abuse disorders. Clients are then seen by behavioral therapists (typically social workers) at the Crisis Center who help clients connect with either other DHHS programs or to outpatient providers. In addition, Dr. Tablang-Jimenez provides stand-by coverage for the Crisis Center approximately four weeks every quarter to provide clinical

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support to clients in the event that an influx of clients overwhelms the normal Crisis Center staffing complement.

In her role at MedStar, Dr. Tablang-Jimenez spends about 60% of her time doing clinical work directly with clients. Her clients at MedStar struggle with mental health issues, but not substance abuse issues; clients that do have substance abuse issues are seen by another physician that specializes in addiction. The remainder of her time is spent ensuring appropriate clinical care is being given by her subordinate clinicians. Dr. Tablang-Jimenez has direct responsibility for hiring and firing of physicians and remains informed about hiring and firing decisions for non-physician personnel. Dr. Tablang-Jimenez also has responsibility for program development of various inpatient and outpatient therapeutic programs and education of physician residents in training. Dr. Tablang-Jimenez does not have responsibility for budgets, contracts, or other direct financial transactions at Medstar.

MedStar has one contract with Montgomery County. The contract relates to detox services and is overseen by a separate part of BHCS from where Dr. Tablang-Jimenez works. The contract enables DHHS to send clients in need of medically-supervised detox to MedStar for care. The contract is intended to be used only in emergency cases, since most detox cases are sent to DHHS's primary contractor in this space, Maryland Treatment Centers. The last time the County used services under the contract with Medstar was in FY15 when the Department spent a total of \$2,809.26 for the year. If a client of DHHS were to be referred to MedStar for detox, Dr. Tablang-Jimenez would play no role in the admitting process, either directly or indirectly.

In her role at DHHS, Dr. Tablang-Jimenez holds no contract monitoring or procurement responsibilities and does not participate in the referral process from the Crisis Center to outside organizations. Dr. Tablang-Jimenez is not aware of any referrals from the Crisis Center to MedStar within the last 10 years. Similarly, at MedStar, Dr. Tablang-Jimenez does not work on matters related to the DHHS contract with that organization.

A waiver may be issued by the Ethics Commission upon a finding the proposed employment is not likely to create an actual conflict of interest. Given the nature of the contract between Medstar and DHHS and Dr. Tablang-Jimenez's roles and responsibilities at both institutions, the Commission concludes that the employment of Dr. Tablang-Jimenez by Medstar is not likely to create an actual conflict. This waiver is conditioned on Dr. Tablang-Jimenez recusing herself in any matter involving a referral to Medstar from the Crisis Center.

In reaching this decision, the Commission has relied upon the facts as presented by Dr. Tablang-Jimenez.

For the Commission:



Steven Rosen, Chair